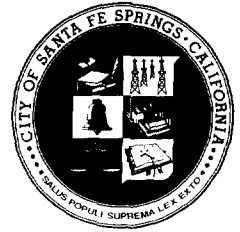


# CITY OF SANTA FE SPRINGS

11710 TELEGRAPH ROAD, 90670-3658 P.O. BOX 2120 (310) 868-0511 FAX (310) 868-7112



March 16, 1995

DOCKETED OFF ORIGINAL

Mr. William Canton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20036

MAR 22 1995

Subject: RM-8577, Proposal to preempt State and local governments from enforcing zoning and other similar regulations with respect to locating and constructing new towers for wireless communication facilities.

Dear Mr. Canton,

The City of Santa Fe Springs ("City") strongly opposes the proposal by the Cellular Telecommunications Industry Association ("Industry") to preempt State and local governments from controlling and regulating the location and appearance of wireless communication facilities. The City does not believe that sufficient cause exists to warrant unilateral preemption of local regulatory control. On the contrary, Santa Fe Springs has experience with the adverse effects resulting from unregulated wireless communication facilities.

The City of Santa Fe Springs is located approximately 13 miles southeast of downtown Los Angeles, generally on the east side of the intersection of Interstate 5 and Interstate 605. The City's strategic location has, since the advent of personal cellular communication, made it a desirable candidate for cell tower siting. As a result, staff has considerable experience with siting and designing wireless communication towers and related equipment structures in a harmonious and inconspicuous manner, while simultaneously maintaining operational effectiveness. The proposed preemption to local regulatory review will deprive every city of its right to ensure that wireless communication facilities will be located and constructed in compliance with local land use and design concerns.

The City does not believe that the telecommunications industry has shown sufficient cause to support the need for the proposed preemption. Under current regulations, the communication industry has been successful in gaining approval to construct four (4) cell towers in Santa Fe Springs. The proposed preemption will only serve to block regulations that the Industry has successfully satisfied in the past. As far as Santa Fe Springs is concerned, the telecommunications industry has not been damaged such that the proposed radical remedy is warranted.

Albert L. Sharp, Mayor • Betty Wilson, Mayor Pro Tempore  
City Council  
Mercedes A. Diaz • Ronald S. Kernes • George Minnehan  
City Manager  
Don P. ...

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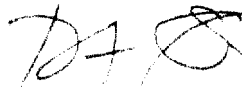
FCC

March 16, 195

page 2

Please add the City of Santa Fe Springs onto the list of opponents to the proposed preemption legislation. Should you have any questions regarding this matter, please call me at (310) 868-0511, Ext. 211.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Orpin', with a large circular flourish at the end.

**ROBERT G. ORPIN**

Director of Planning and Development

cc: City Council  
Donald R. Powell, City Manager

## PUBLIC UTILITIES COMMISSION

550 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

February 24, 1995

## IMPORTANT NOTICE

**The Ultimate Jurisdiction for Planning/Land Use Decisions on  
Siting and Relocating Cellular and Other Wireless Communications  
Towers and Transmitters Could be Transferred to Washington -- to the FCC**

We are notifying you about a proposal to "*preempt state and local governments from enforcing zoning and other similar regulations*" with respect to locating and constructing new towers for wireless communications facilities.

Currently, the California Public Utilities Commission (CPUC) issues authority for cellular utilities to construct, install and modify facilities, but only after ensuring that the cellular utilities have first obtained the necessary local permits or approvals -- a way to assure that local community issues have been fully weighed. We try hard to get cellular utilities to abide by local community requirements. Recently, the CPUC settled an investigation of approximately 160 sites of Los Angeles Cellular Telephone Company (LACTC) for \$4.2 million. Additionally, LACTC settled an investigation into three sites for approximately \$725,000 for misrepresentation to the CPUC, premature construction, and permitting deficiencies. GTE Mobilenet was also recently fined \$343,000 for cellular siting violations.

However, an organization representing cellular utilities is petitioning the Federal Communications Commission (FCC) to preempt the CPUC and local government functions like your department's. Moving jurisdiction to Washington is not empowering the states, and it puts local community issues before decision makers located thousands of miles away. The assumption is that communities must routinely deny permits, but I know of no such instances. Local community land use considerations accommodate the placement of towers and transmitters, and wireless service has been extended to consumers. It is important for local communities to know about this if they are to have a voice in what happens. Enclosed are some details.

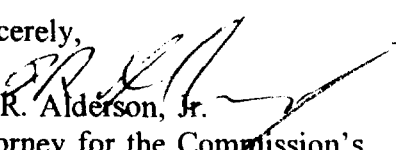
You should, if you've views to express, do several things, including:

1. Contact members of the California Congressional delegation;
2. Write to the FCC Commissioners [Commissioner Rachelle Chong is from the Stockton Area]; and
3. File a formal response or pleading with the FCC.

As you may know, the CPUC is holding informal workshops (next workshop in San Francisco on March 6, 1995) on whether the CPUC should basically "give back" its oversight so local communities and courts would have ultimate jurisdiction, and just as that dialog was starting (albeit without much participation by counties and cities), the cellular utilities initiated the proposal to sidestep local requirements and seek FCC preemption-- they seek to trade-off local community and state review for a scheme to give themselves maximum flexibility and move any challenges to a forum thousands of miles away.

For more details, call Mr. DeUlloa (415-703-1998) or Ms. Youngsmith (703-2088).

Sincerely,

  
Ira R. Alderson, Jr.  
Attorney for the Commission's  
Safety and Enforcement Division  
Attachments:

703 1914

**SUMMARY REPRINT FROM**

**Cellular Telecommunications Industry Association's Petition for Rule Making**

In the Matter of )  
 )  
Amendment of the Commission's ) RM -8577  
Rules To Preempt State and Local )  
Commercial Mobile Services )  
Providers )

To: The Commission

**Cellular Telecommunications Industry Association's  
Petition for Rule Making**

The Cellular Telecommunications Industry Association ("CTIA"), pursuant to § 1.401 of the Commission's rules, hereby submits a Petition for Rule Making ("petition") requesting the Commission to issue a Notice of Proposed Rule Making proposing to exercise its authority under § 2(b) and § 332 of the Communications Act of 1934, as amended, ("Act"), to *preempt state and local governments from enforcing zoning and other similar regulations* which have the purpose or effect of barring or impeding commercial mobile radio service ("CMRS") providers from locating and constructing new towers.

To fully realize the increased opportunities for new output and increased consumer choice emanating from the historic auctioning of PCS spectrum, the Commission, consistent with congressional mandate and its own policies, must prohibit states from thwarting such developments. Preemption of CMRS tower site regulations is required to ensure the availability of an ubiquitous, competitive, efficient, federally-regulated mobile services infrastructure consistent with the public interest. In the absence of preemption, the Commission guarantees additional delay and added costs in the rollout of PCS and other mobile services as 38,000 different local jurisdictions limit, condition and otherwise interfere with the build out of CMRS facilities. (Cellular Telecommunications Industry Association's Petition for Rule Making, pp 1-2.) (emphasis added)

**YOU MAY WRITE the FCC Commissioners at:**

Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20036  
(202) 418-0200

The five Commissioners are:

Chairman Reed Hundt, Rachelle Chong, James Cuello, Susan Ness and Andrew Barrett

**For information on how to file a formal reply contact the office of:**

William Canton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20036  
(202) 418-0300



# PUBLIC NOTICE

Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

51679

REPORT NO. 2052

January 18, 1995

**OFFICE OF PUBLIC AFFAIRS**  
**PUBLIC INFORMATION AND REFERENCE SERVICES**  
**PETITIONS FOR RULEMAKING FILED**

(Interested persons may file statements opposing or supporting the Petitions for Rulemaking listed herein within 30 days. See Section 1.4 and 1.405 of the Commission's rules for further information).

<u>RM No.</u>	<u>Rules Sec.</u>	<u>Petitioner</u>	<u>Date Rec'd</u>	<u>Nature of Petition</u>
8577	333 and 2(b)	Cellular Telecommunica- tions Industry Associations  Micahel F. Altschul, Vice President, General Counsel Randall S. Coleman, Vice President for Regulatory Policy and Law 1250 Connecticut Avenue N.W. Suite 200 Washington, D. C. 20036)	12-22-94	Request Amendment of Commission's Rules to Preempt State and Local Regulation of Tower Siting for Commercial Mobile Services and Providers.